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ABSTRACT

Given to aid administrators are standardized state-wide (Hawaii) procedures for implementing Rule 49 (1973), intended to ensure due process during changes in the educational status of exceptional students. Thirteen samples of state forms and form letters (including reference number and general and specific instructions for completion) are presented in the sequence in which they are to be used. Attached is the text of Rule 49, which describes procedures for educational evaluation, required conferences and hearings, and appeal to the Superintendent of Education. (LH)

BEST COPY AVAILABLE

The Honorable John A. Burns
Governor, State of Hawaii

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DEPARTMENT PROCEDURES SUPERINTENDENT 74-40 DEPARTMENT PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS

EC 070 556

Office of Instructional Services/Special Education Branch
Department of Education
State of Hawaii
Official
TAC 74-7816
May 1974

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P. O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

DEPT. PROCEDURES
SUPERINTENDENT 74-40

February 15, 1974

TO: Assistant Superintendents, District Superintendents, and Principals

FROM: Teichiro Hirata, Superintendent

SUBJECT: Department Procedures for Implementing Rule 49, Relating to Changing the Educational Status of Exceptional Students

Department of Education Rule 49, Relating to Changing the Educational Status of Exceptional Students, was adopted on October 4, 1973, by the Board of Education and approved by the Acting Governor on November 16, 1973. This rule became effective on November 29, 1973.

A. PURPOSE

These official department procedures have been developed to assist schools and districts in implementing Rule 49, which ensures due process to students and their parents in activities related to a "change in educational status" of exceptional students. Rule 49 defines a "change in educational status" as:

1. "Placement in a special education program which provides special facilities, equipment and/or instruction other than that provided in regular education.

2. "Placement from a special education program to a regular education program.

3. "Transfer from one special education program to another where such programs differ substantially with regard to the kind and type of education which is offered.

4. "Transfer to a special education school or special education class outside the student's public school attendance area."

B. INSTRUCTIONS AND FORMS

Standardized procedures, which are to be used statewide, include each procedural activity required by Rule 49. State forms and form letters

(with instructions) are presented in the sequence in which they are to be used.

1. Form OIS-042-74--Non-Department of Education Request for a "Change in Educational Status."

2. School Letter or Form OIS-043-74*--Notice of Denial of Request for Educational Evaluation.

3. Form 29 or District Referral Form--Department of Education Student Referral Form.

4. Form OIS-044-74--Disposition of Request for Educational Evaluation.

5. School Letter or Form OIS-045-74*--Notice to Parents of Educational Evaluation.

6. Form OIS-046-74--District Educational Evaluation Report Recommendations.

7. School Letter or Form OIS-047-74*--Notice to Parents of Scheduled Conference on Educational Evaluation.

8. Form OIS-048-74--Parent Conference Report Re Educational Evaluation.

9. Form OIS-049-74--Notice to District Superintendent of Need for Formal Hearing Proceedings Re "Change in Educational Status."

10. District Letters or Form OIS-050-74*--Notice to Student and Parents of Initiation of Formal Hearing Proceedings Re "Change in Educational Status."

11. District Letters or Form OIS-051-74*--Notice to Student, Parents, and Other Interested Parties of Formal Hearing Re "Change in Educational Status."

12. District Letters or Form OIS-052-74*--Notice to Student and Parents of Hearing Decision Re "Change in Educational Status."

13. Form OIS-053-74 (Optional)--District Checklist of Hearing Proceedings Re "Change in Educational Status."

Although State forms and form letters have been developed for each procedural activity, schools and districts may wish to prepare the letters indicated above with an asterisk (*) on school or district letterhead stationery, rather than use the form letters. When this is done, the exact content of the form letter is to be used and the form number is to be typed in.

A suggested checklist has been included for district office use to help maintain an up-to-date record of the hearing proceedings.

The person authorized to sign is indicated on each form.

C. RULE 49

A copy of Rule 49 is attached for your reference.

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-042-74

NON-DEPARTMENT OF EDUCATION REQUEST FOR A "CHANGE IN EDUCATIONAL STATUS"

REFERENCE: Rule 49.4, a

GENERAL INSTRUCTIONS:

1. Whenever any person, other than Department of Education personnel, has reason to believe that a "change in educational status" will be of benefit to the student, the person shall advise the student's Principal. (Department of Education personnel shall advise the student's Principal by using Form 29 or district referral form.)

2. This request and reasons therefor shall be submitted in writing by the requester to the Principal.

3. Based upon a review of this request and other pertinent school information, the Principal shall make a determination of whether or not to submit a request for an educational evaluation to be conducted by the district office.

4. Form OIS-042-74 shall be used.

INSTRUCTIONS FOR COMPLETING FORM OIS-042-74:

1. To be completed by the requester.

2. Complete in duplicate.

3. Insert information as shown in the sample below.

4. Requester retains one copy and submits the original to the Principal.

5. Principal retains the original.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-042-74

NON-DEPARTMENT OF EDUCATION REQUEST FOR A "CHANGE IN EDUCATIONAL STATUS"

(contd.)

Form OIS-042-74
2/15/74

S A M P L E

_____ (Date)
Date

TO: _____ (Name of Principal), Principal
_____ (Name of School) School
_____ (Mailing Address of School) Address

SUBJECT: Non-Department of Education Request for a "Change in Educational Status"

This is to advise you that the undersigned believes that a "change in educational status" will be of benefit to _____ (Name of Student), Name of Student whose birthdate is _____ (Birthdate).

Reasons for this request are:

_____ (State reasons for this request)

_____ (Signature of Requester)
Signature of Requester

_____ (Position or Relationship of Requester)
Position or Relationship

_____ (Name of Agency)
Name of Agency (if applicable)

_____ (Mailing Address)
Mailing Address

_____ (Business Phone No.) _____ (Home Phone No.)
Business Phone No. Home Phone No.

Distribution (2):
Original to Principal
Copy to be retained by person making request

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR SCHOOL LETTER OR FORM OIS-043-74

NOTICE OF DENIAL OF REQUEST FOR EDUCATIONAL EVALUATION

REFERENCE: Rule 49.4, a

GENERAL INSTRUCTIONS:

1. Whenever the Principal has been advised by any person working with a student that he believes a "change in educational status" will be of benefit to the student, the Principal may request that an educational evaluation be conducted by the district office.

2. In the event that the Principal does not request an educational evaluation, the Principal shall so inform the person who advised him.

3. A school letter may be prepared following the sample below or Form OIS-043-74 may be used.

4. This decision may be appealed to the District Superintendent by the student and/or his parents.

INSTRUCTIONS FOR COMPLETING SCHOOL LETTER OR FORM OIS-043-74:

1. To be completed by the Principal.

2. Complete in triplicate.

3. Insert information as shown in the sample below.

4. Distribute copies as shown on the form.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR SCHOOL LETTER OR FORM OIS-043-74

NOTICE OF DENIAL OF REQUEST FOR EDUCATIONAL EVALUATION

(contd.)

Form OIS-043-74
2/15/74

SAMPLE

STATE OF HAWAII
DEPARTMENT OF EDUCATION

(Date)
Date

(Name and address of person making request)

Dear *(Name of Addressee)*:

Subject: Notice of Denial of Request for Educational Evaluation

This is to inform you that a request for an educational evaluation for *(Name of Student)*, whose birthdate is *(Birthdate)*, will not be made.

The reasons for this denial are as follows:

(State reasons for denial)

This decision may be appealed by the student and/or his parents to the District Superintendent.

Sincerely,

(Signature of Principal)
Signature of Principal

(Name of School)
School

(Mailing Address)
Address

(Principal's Phone No.)
Phone No.

Distribution (3):
Original to Addressee
Copy to District Superintendent,
(Name of District) District
Copy to be retained by Principal

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM 29 OR DISTRICT REFERRAL FORM

DEPARTMENT OF EDUCATION STUDENT REFERRAL FORM

REFERENCE: Rule 49.4, a

GENERAL INSTRUCTIONS:

1. Whenever the Principal has been advised by any person working with a student that he believes a "change in educational status" will be of benefit to the student, the Principal may request that an educational evaluation be conducted by the district office.

2. This request for educational evaluation shall be made on Form 29 or on the district referral form until a new State form is developed.

3. The district Curriculum Specialist, Special Services, shall notify the Principal of the disposition of the referral.

INSTRUCTIONS FOR COMPLETING FORM 29 OR THE DISTRICT REFERRAL FORM:

1. To be completed by Department of Education personnel.

2. Complete in triplicate.

3. To be signed by the Principal.

4. Distribute copies as shown on the form.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM 29 OR DISTRICT REFERRAL FORM

DEPARTMENT OF EDUCATION STUDENT REFERRAL FORM

(contd.)

Form 29
Revised 9/63

S A M P L E

DEPARTMENT OF EDUCATION
STATE OF HAWAII

DIVISION OF GUIDANCE, HEALTH, AND SPECIAL EDUCATION REFERRAL

(IBM I.D. #) Name School Grade Date of Referral

Address Telephone Date of Birth Sex Racial Descent

Other schools attended Date entered this school

Name of Father or Guardian Occupation Name of Mother or Guardian Occupation

Children: (From oldest to youngest; birthdates, if available)

(1)_____ (4)_____

(2)_____ (5)_____

(3)_____ (6)_____

I. CHECK THE **ONE** SERVICE WHICH SEEMS MOST INDICATED

_____Psychological Services
_____Mentally Retarded Program
_____School Social Work
_____Health
_____Other(s) specify
If other services are indicated, describe on reverse side (IV)

II. TEST RESULTS: (Two **most recent** tests in achievement and scholastic ability (I.Q.)

	Name of Tests:	Form & Level	Date of Testing	Grade Test Was Given	Chron. Age at Time of Test	G.P.		%ile	Other Information
Achievement, e.g., CAT, STEP	1. *								
	2. *								
	*List subtests by name, e.g., Reading, Arithmetic, etc.								
Scholastic Ability, e.g., CTMM, SCAT	1. *						I.Q.		
	2. *								
	*List subtests, e.g., Verb., Quant., Lang., Non-Lang.								
Other recent group tests (Reading Readiness, DAT, Coop. Math & Science, etc.)									

3. Has a psychological exam been given:_____ When?_____ By Whom?_____

4. Attach a copy of all available psychological reports on individual intellectual and personality assessment administered by agencies other than the Department of Education.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM 29 OR DISTRICT REFERRAL FORM

DEPARTMENT OF EDUCATION STUDENT REFERRAL FORM

(contd.)

SAMPLE

III. MEDICAL DATA. Indicate pronounced physical difficulties, listing doctor's comments. Give significant deviations noted in health screening tests.

IV. REASON FOR REFERRAL. Include (1) Description of behavior, school adjustment, and other pertinent background information, such as home situation, community relationships, etc.
(2) Statement of what has been done to date by school, family, and agencies in the community.

Referred by: _____ Approved by: _____ Principal
(Signature)

_____ _____
Title Date

Send first two copies (white and green) in a sealed envelope to Intake Chairman, Division of Guidance, Health and Special Education. The third copy (yellow) is kept at the referring source.

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-044-74

DISPOSITION OF REQUEST FOR EDUCATIONAL EVALUATION

REFERENCE: Rule 49.4, a

GENERAL INSTRUCTIONS:

1. Upon receipt of the Form 29 or district referral form, the district Curriculum Specialist, Special Services, shall review the referral and determine its disposition.

2. The district Curriculum Specialist, Special Services, shall notify the Principal of the disposition of the referral on Form OIS-044-74.

INSTRUCTIONS FOR COMPLETING FORM OIS-044-74:

1. To be completed by the district Curriculum Specialist, Special Services.

2. Complete in duplicate.

3. Insert information as shown on the sample below.

4. Distribute copies as shown on the form.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-044-74

DISPOSITION OF REQUEST FOR EDUCATIONAL EVALUATION

(contd.)

Form OIS-044-74
2/15/74

S A M P L E

STATE OF HAWAII

DEPARTMENT OF EDUCATION

(Date)
(Date)

TO: *(Name of Principal)*, Principal
(Name of School) School

FROM: *(Name of Curriculum Specialist)*, Curriculum Specialist, Special Services, *(Name of District)* District

SUBJECT: Disposition of Request for Educational Evaluation

This is to inform you that your request for an educational evaluation for *(Name of Student)*, whose birthdate is *(Birthdate)*, has been received and reviewed by the special services staff.

Based on this review:

☐ An educational evaluation will be conducted.

☐ No educational evaluation will be conducted for the following reasons:

Distribution (2):
Original to Principal
Copy to be retained by district Curriculum Specialist, Special Services

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR SCHOOL LETTER OR FORM OIS-045-74

NOTICE TO PARENTS OF EDUCATIONAL EVALUATION

REFERENCE: Rule 49.4, a

GENERAL INSTRUCTIONS:

1. The Principal shall notify the parents in writing before an educational evaluation is conducted.
2. A school letter may be prepared following the sample below or Form OIS-045-74 may be used.

INSTRUCTIONS FOR COMPLETING SCHOOL LETTER OR FORM OIS-045-74:

1. To be completed by the Principal.
2. Complete in triplicate.
3. Insert information as shown in the sample below.
4. Distribute copies as shown on the form.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR SCHOOL LETTER OR FORM OIS-045-74

NOTICE TO PARENTS OF EDUCATIONAL EVALUATION

(contd.)

SAMPLE

Form OIS-045-74
2/15/74

STATE OF HAWAII

DEPARTMENT OF EDUCATION

(Date)
Date

(Name and address of Parents)

Dear *(Name of Parents)*:

Subject: Notice of Educational Evaluation

Following a discussion with school personnel acquainted with your child, *(Name of Student)*, whose birthdate is *(Birthdate)*, the *(Name of District)* District Office special services personnel will conduct an educational evaluation to aid in the educational planning and to assist in the guidance of your child.

These services may include interviews, observations and/or, when appropriate, tests or scales given by qualified personnel.

Sincerely,

(Signature of Principal)
Signature of Principal

(Name of School)
School

(Mailing Address)
Address

(Principal's Phone No.)
Phone No.

Distribution (3):
Original to Parents
Copy to district Curriculum Specialist, Special Services, *(Name of District)* District
Copy to be retained by Principal

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-046-74

DISTRICT EDUCATIONAL EVALUATION REPORT RECOMMENDATIONS

REFERENCE: Rule 49.3; 49.4, a

GENERAL INSTRUCTIONS:

1. The educational evaluation requested by the Principal shall be conducted by the appropriate district special services personnel and/or other professional persons, including the teacher, involved with the student's educational program.
2. The district evaluation report recommendations shall be completed by the district Curriculum Specialist, Special Services, and include recommendations of eligibility for special education, programming and placement, and "change in educational status."
3. A complete set of the evaluation reports, upon which the district recommendations are based, shall be retained at the school and the district office.
4. The Principal shall review the district data, make a recommendation re "change in educational status," and notify the District Superintendent in writing of his recommendation.
5. The District Superintendent shall review the district data and the Principal's recommendation re "change in educational status," approve or disapprove the Principal's recommendation, and notify the Principal; the Curriculum Specialist, Special Services; and the Special Education Branch. If he disapproves, he shall state his reasons in writing.
6. Form OIS-046-74 shall be used.

INSTRUCTIONS FOR COMPLETING FORM OIS-046-74:

1. To be completed by the district Curriculum Specialist, Special Services; the Principal; and the District Superintendent.
2. Complete in sextuplicate (6).
3. District Curriculum Specialist, Special Services:
   a. Completes items 1 and 2.
   b. Retains the goldenrod copy of the form and attaches the original evaluation reports for his files.
   c. Forwards remaining forms and a copy of the evaluation reports for the school files to the Principal.
4. Principal:
   a. Reviews reports and completes item 3.
   b. Retains the blue copy of the form and attaches the copy of the evaluation reports for his files.
   c. Forwards remaining forms to the District Superintendent.
5. District Superintendent:
   a. Reviews reports and completes item 4. If disapproval is checked, states his reasons for disapproval on the reverse side of the form.
   b. Retains original (white) of the form.
   c. Forwards the appropriate copies of the signed form to: the Principal (canary); the district Curriculum Specialist, Special Services (green); and the Special Education Branch (pink).

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-046-74

DISTRICT EDUCATIONAL EVALUATION REPORT RECOMMENDATIONS

(contd.)

FORM OIS-046-74
2/15/74, Rev. 3/29/74

S A M P L E

STATE OF HAWAII
DEPARTMENT OF EDUCATION

DISTRICT EDUCATIONAL EVALUATION REPORT RECOMMENDATIONS

INSTRUCTIONS:
1. District Curriculum Specialist, Special Services, completes items 1 and 2 in quadruplicate; retains the goldenrod copy of the form and attaches the original evaluation reports for his files; and forwards remaining forms and a copy of the evaluation reports for the school files to the Principal.
2. Principal completes item 3; retains the blue copy of the form and attaches the copy of the evaluation reports for his files; and forwards remaining forms to the District Superintendent.
3. District Superintendent completes item 4; retains the original (white); and sends canary copy to the Principal, green copy to the district Curriculum Specialist, Special Services, and pink copy to the Special Education Branch.

1. DISTRICT EDUCATIONAL EVALUATION REPORT RECOMMENDATIONS FOR:

NAME OF STUDENT _____ BIRTHDATE _____

SCHOOL _____ DISTRICT _____

2. DISTRICT RECOMMENDATIONS BASED ON EVALUATION REPORTS

A. ELIGIBILITY:

☐ IS ELIGIBLE FOR A SPECIAL EDUCATION PROGRAM. THE IDENTIFIED HANDICAPPING CONDITION IS:

MENTAL RETARDATION ☐ EDUCABLE ☐ TRAINABLE
☐ SPECIFIC LEARNING DISABILITIES
☐ SERIOUS EMOTIONAL DISTURBANCE
HEARING IMPAIRMENT ☐ HARD OF HEARING ☐ DEAF
VISUAL IMPAIRMENT ☐ PARTIALLY SIGHTED ☐ BLIND
☐ DEAF/BLIND
☐ ORTHOPEDIC HANDICAP
☐ SPEECH IMPAIRMENT
☐ OTHER HEALTH IMPAIRMENT (homebound or hospitalized due to chronic illness)
☐ MULTIHANDICAP _____ (insert)

☐ IS NOT ELIGIBLE FOR SPECIAL EDUCATION.

☐ CHANGE ELIGIBILITY FOR SPECIAL EDUCATION FROM _____ (Type of Handicap) TO _____ (Type of Handicap)

☐ CONTINUE ELIGIBILITY FOR SPECIAL EDUCATION _____ (Type of Handicap)

☐ RESCIND ELIGIBILITY FOR SPECIAL EDUCATION _____ (Type of Handicap)

B. RECOMMENDATIONS FOR PROGRAMMING AND PLACEMENT (SPECIFIC EDUCATIONAL NEEDS, EDUCATIONAL ARRANGEMENT, CLASS PLACEMENT, MATERIALS AND/OR TECHNIQUES): (Continue on reverse side.)

C. RECOMMENDATION RE "CHANGE IN EDUCATIONAL STATUS":

☐ A "CHANGE IN EDUCATIONAL STATUS" IS RECOMMENDED. ☐ NO "CHANGE IN EDUCATIONAL STATUS" IS RECOMMENDED.

_____ (Signature of Curriculum Specialist, Special Services) _____ (Date)

3. PRINCIPAL'S RECOMMENDATION AND NOTIFICATION TO DISTRICT SUPERINTENDENT RE "CHANGE IN EDUCATIONAL STATUS"

I RECOMMEND:

☐ A "CHANGE IN EDUCATIONAL STATUS." ☐ NO "CHANGE IN EDUCATIONAL STATUS."

_____ (Signature of Principal) _____ (Date)

4. DISTRICT SUPERINTENDENT'S ACTION ON PRINCIPAL'S RECOMMENDATION RE "CHANGE IN EDUCATIONAL STATUS"

☐ I APPROVE THE PRINCIPAL'S RECOMMENDATION.

☐ I DISAPPROVE THE PRINCIPAL'S RECOMMENDATION. REASONS FOR DISAPPROVAL ARE STATED ON THE REVERSE SIDE.

_____ (Signature of District Superintendent) _____ (Date)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR SCHOOL LETTER OR FORM OIS-047-74

NOTICE TO PARENTS OF SCHEDULED CONFERENCE ON EDUCATIONAL EVALUATION

REFERENCE: Rule 49.4, b

GENERAL INSTRUCTIONS:

1. Upon receipt of the completed Form OIS-046-74 from the District Superintendent, the Principal shall arrange a conference with the parents of the student.
2. The Principal may make arrangements for this conference by phone or in person.
3. If this is not practicable or if parents fail to attend a conference arranged by phone or in person, the Principal shall mail a written notice to the parents by certified mail (return receipt requested).
4. A school letter may be prepared following the sample below or Form OIS-047-74 may be used.

INSTRUCTIONS FOR COMPLETING SCHOOL LETTER OR FORM OIS-047-74:

1. To be completed by the Principal.
2. Complete in triplicate
3. Insert information as shown in the sample below.
4. Distribute copies as shown on the form.
5. Attach returned receipt to the Principal's copy.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR SCHOOL LETTER OR FORM OIS-047-74

NOTICE TO PARENTS OF SCHEDULED CONFERENCE ON EDUCATIONAL EVALUATION

(contd.)

Form OIS-047-74
2/15/74

SAMPLE

STATE OF HAWAII
DEPARTMENT OF EDUCATION

(Date)
(Date)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(Name and address of Parents)

Dear *(Name of Parents)*:

Subject: Notice of Scheduled Conference on Educational Evaluation

This is to inform you that the educational evaluation report and subsequent recommendation for your child, *(Name of Student)*, whose birthdate is *(Birthdate)*, has been completed.

You are requested to attend a conference to discuss this report.

The conference has been scheduled for *(Month)* (Month) *(Day)* (Day) *(Year)* (Year), at *(Time)* (Time) at *(Location)* (Location).

If you do not accept the recommended educational program or any one of the alternative educational opportunities available to your child which will be presented at this conference, or if you do not attend the conference, you will be given an opportunity for a formal hearing.

Sincerely,

(Signature of Principal)
Signature of Principal

(Name of School)
School

(Mailing Address)
Address

(Principal's Phone No.)
Phone No.

Distribution (3):
Original to Parents
Copy to District Superintendent,
(Name of District) District
Copy to be retained by Principal

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-048-74

PARENT CONFERENCE REPORT RE EDUCATIONAL EVALUATION

REFERENCE: Rule 49.4, b, c

GENERAL INSTRUCTIONS:

1. At the scheduled conference, the Principal shall advise the parent of the recommended educational program and alternative educational opportunities available to their child.

2. If parents accept the recommended educational program or any one of the alternative educational opportunities, they shall sign an agreement authorizing the placement of their child.

3. Form OIS-048-74 shall be used.

4. If parents do not accept the recommended educational program or any one of the alternative educational opportunities, or do not attend the conference, the Principal shall immediately notify the District Superintendent on Form OIS-049-74.

INSTRUCTIONS FOR COMPLETING FORM OIS-048-74:

1. To be completed by the Principal and parents.

2. Complete in quintuplicate (5).

3. Principal:

   a. Completes Part A prior to the conference.

   b. Completes Part B at the conference.

4. Parents:

   Complete Part C at the conference by checking the appropriate box and signing the form.

5. Principal:

   a. Signs the form.

   b. Distributes copies as shown on the form:

      (1) If parents accept the recommended educational program or any one of the alternative educational opportunities--distribute as follows: original (white) to Principal; canary to parents; green to district Curriculum Specialist, Special Education; and pink to Special Education Branch.

      (2) If the parents do not accept the recommended educational program or any one of the alternative educational opportunities, or if they do not attend the conference--distribute as follows: original (white) to Principal; canary to parents; green to district Curriculum Specialist, Special Education; pink to Special Education Branch; and blue (attached to the original of Form OIS-049-74, "Notice of Need for Formal Hearing Proceedings re 'Change in Educational Status'") to District Superintendent.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-048-74

PARENT CONFERENCE REPORT RE EDUCATIONAL EVALUATION

(contd.)

SAMPLE

FORM OIS-048-74
2/15/74, Rev. 3/29/74

STATE OF HAWAII
DEPARTMENT OF EDUCATION

PARENT CONFERENCE REPORT
RE EDUCATIONAL EVALUATION

INSTRUCTIONS:
1. Complete in quintuplicate.
2. Principal completes Part A prior to the conference and Part B at the conference.
3. Parents complete Part C at the conference.
4. Principal signs the form and distributes copies as shown on the form.

A. CONFERENCE DATA

1. NAME OF STUDENT _____ 2. BIRTHDATE _____
3. SCHOOL _____ 4. DISTRICT _____
5. CONFERENCE DATE: _____ TIME: _____ PLACE: _____
6. DATE PARENTS RECEIVED NOTIFICATION OF SCHEDULED CONFERENCE: _____
7. RECOMMENDED EDUCATIONAL PROGRAM
8. ALTERNATIVE EDUCATIONAL OPPORTUNITIES

B. CONFERENCE SUMMARY

9. CONFERENCE ATTENDANCE:
NAMES OF PARTICIPANTS AND THEIR POSITIONS:

☐ PARENTS DID ATTEND.
☐ PARENTS DID NOT ATTEND.

10. THE RECOMMENDED EDUCATIONAL PROGRAM OR THE ALTERNATIVE EDUCATIONAL OPPORTUNITY PARENTS ACCEPT IS:

C. PARENTAL AUTHORIZATION FOR PLACEMENT

☐ I/WE AGREE TO THE EDUCATIONAL PROGRAM DESCRIBED IN ITEM 10 FOR OUR SON/DAUGHTER, _____ (Name of Student).

☐ I/WE DO NOT AGREE TO THE RECOMMENDED EDUCATIONAL PROGRAM OR ANY ONE OF THE ALTERNATIVE EDUCATIONAL OPPORTUNITIES PRESENTED AT THIS CONFERENCE FOR OUR SON/DAUGHTER, _____ (Name of Student).

_____ Signature of Parent _____ Date

_____ Signature of Parent _____ Date

_____ Signature of Principal _____ Date

DISTRIBUTION: Original (white) to Principal; canary to parents; green to Curriculum Specialist, Special Education; pink to Special Education Branch; and, if applicable, blue (attached to Form OIS-049-74) to District Superintendent.

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-049-74

NOTICE TO DISTRICT SUPERINTENDENT OF NEED FOR FORMAL HEARING PROCEEDINGS RE "CHANGE IN EDUCATIONAL STATUS"

REFERENCE: Rule 49.4, c

GENERAL INSTRUCTIONS:

1. Following the scheduled conference, the Principal shall immediately notify the District Superintendent when:
   a. Parents do not accept the recommended educational program or any one of the alternative educational opportunities, or
   b. Parents do not attend the scheduled conference.
2. Form OIS-049-74 shall be used.

INSTRUCTIONS FOR COMPLETING FORM OIS-049-74:

1. To be completed by the Principal.
2. Complete in duplicate.
3. Insert information as shown in the sample below.
4. Attach copy of Form OIS-048-74, "Parent Conference Report re Educational Evaluation."
5. Distribute copies as shown on the form.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-049-74

NOTICE TO DISTRICT SUPERINTENDENT OF NEED FOR FORMAL HEARING PROCEEDINGS RE "CHANGE IN EDUCATIONAL STATUS"

(contd.)

Form OIS-049-74
2/15/74

SAMPLE

STATE OF HAWAII

DEPARTMENT OF EDUCATION

(Date)
(Date)

TO: *(Name of District Superintendent)*, District Superintendent

(Name of District) District

FROM: *(Name of Principal)*, Principal

(Name of School) School

SUBJECT: Notice of Need for Formal Hearing Proceedings re "Change in Educational Status"

This is to inform you of the need to initiate formal hearing proceedings.

The parents of *(Name of Student)*, whose birthdate is *(Birthdate)*:

☐ Did not attend the conference scheduled on *(Date)*.

☐ Attended the conference, but did not accept the recommended educational program or any one of the alternative educational opportunities.

Name of Parents *(Name of Parents)*

Address *(Address of Parents)*

Phone No. *(Home Phone No.)*

Attachment (Form OIS-048-74)

Distribution (2):
Original to District Superintendent
Copy to be retained by Principal

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR DISTRICT LETTERS OR FORM OIS-050-74

NOTICE TO STUDENT AND PARENTS OF INITIATION OF FORMAL HEARING PROCEEDINGS RE "CHANGE IN EDUCATIONAL STATUS"

REFERENCE: Rule 49.4, c, d, e

GENERAL INSTRUCTIONS:

1. Formal hearing proceedings shall be initiated by the District Superintendent:
   a. If neither the recommended educational program nor any one of the alternative educational opportunities is authorized by the parents, or
   b. If parents fail to appear at the scheduled conference.
2. Upon receipt of Form OIS-049-74, the District Superintendent shall initiate formal hearing proceedings.
3. The required contents of the notice shall be as stipulated in Rule 49.4, d. (see attached Rule 49.)
4. Two notices shall be mailed by certified mail (return receipt requested)--one to the student and one to his parents.
5. District letters may be prepared following the sample below or Form OIS-050-74 may be used.

INSTRUCTIONS FOR COMPLETING DISTRICT LETTERS OR FORM OIS-050-74:

1. To be completed by the District Superintendent.
2. Complete two letters in triplicate.
   a. Address one letter to the student.
   b. Address one letter to his parents.
3. Insert information as shown in the sample below.
4. Distribute copies of each letter as shown on the form.
5. Attach returned receipts to the District Superintendent's copies.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR DISTRICT LETTERS OR FORM OIS-050-74

NOTICE TO STUDENT AND PARENTS OF INITIATION OF FORMAL HEARING PROCEEDINGS RE "CHANGE IN EDUCATIONAL STATUS"

(contd.)

Form OIS-050-74
2/15/74

SAMPLE

STATE OF HAWAII

DEPARTMENT OF EDUCATION

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(Date of Mailing)
(Date)

(Name of Student or Parents)
(Address of Student or Parents)

Dear *(Name of Student or Name of Parents)*:

Subject: Notice of Initiation of Formal Hearing Proceedings re "Change in Educational Status"

This is to inform you that formal hearing proceedings are being initiated due to:

☐ Parents did not attend the conference scheduled on *(Date)*.

☐ Parents did not approve the recommended educational program or any one of the alternative educational opportunities discussed at the conference held on *(Date)*.

The recommended educational program is:

(State the recommended educational program)

The reasons for this recommendation are:

(State the reasons for this recommendation)

The alternative educational opportunities available are:

(State the alternative educational opportunities available)

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR DISTRICT LETTERS OR FORM OIS-050-74

NOTICE TO STUDENT AND PARENTS OF INITIATION OF FORMAL HEARING PROCEEDINGS RE "CHANGE IN EDUCATIONAL STATUS"

(contd.)

Form OIS-050-74
2/15/74

S A M P L E

(Name of Student or Parents) 2 *(Date of Mailing)*

You are entitled to a formal hearing before the District Superintendent. At the hearing, you may present evidence, call and cross-examine witnesses, and be represented by a representative of your choice. Your request can be made directly to the District Superintendent in writing or orally by personal visit or telephone call.

Upon receipt of your request for a hearing, the hearing will be scheduled within ten school days. You will be notified of the date, time, and location of the hearing.

If a hearing is not requested by *(Date--not less than 10 school days after this notice is mailed)*, the recommended action will be implemented without a hearing.

Sincerely,

(Signature of District Superintendent)
Signature of District Superintendent

(Name of District)
District

(Mailing Address)
Address

(District Superintendent's Phone No.)
Phone No.

Distribution (3):
Original to Addressee
Copy to Principal,
(Name of School) School
Copy to be retained by District Superintendent

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR DISTRICT LETTERS OR FORM OIS-051-74

NOTICE TO STUDENT, PARENTS, AND OTHER INTERESTED PARTIES OF FORMAL HEARING RE "CHANGE IN EDUCATIONAL STATUS"

REFERENCE: Rule 49.4, e

GENERAL INSTRUCTIONS:

1. The District Superintendent shall schedule a hearing to be held within 10 days of the receipt of a request for a hearing.
2. The District Superintendent shall notify all "interested parties" (the student, his parents, and others previously involved in the case) of the date, time, and place of the hearing in writing.
3. The hearing shall be conducted in accordance with Rule 49.4, e. (See attached Rule 49.)
4. Two notices shall be mailed by certified mail (return receipt requested)--one to the student and one to his parents.
5. Additional notices shall be mailed to others previously involved in the case.
6. District letters may be prepared following the sample below or Form OIS-051-74 may be used.

INSTRUCTIONS FOR COMPLETING DISTRICT LETTERS OR FORM OIS-051-74:

1. To be completed by the District Superintendent.
2. Complete two letters in triplicate.
   a. Address one letter to the student.
   b. Address one letter to his parents.
3. Complete additional letters in triplicate addressed to others previously involved in the case.
4. Insert information as shown in the sample below.
5. Distribute copies of each letter as indicated on the form.
6. Attach returned receipts to the District Superintendent's copies.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR DISTRICT LETTERS OR FORM OIS-051-74

NOTICE TO STUDENT, PARENTS, AND OTHER INTERESTED PARTIES OF FORMAL HEARING RE "CHANGE IN EDUCATIONAL STATUS"

(contd.)

SAMPLE

Form OIS-051-74
2/15/74

STATE OF HAWAII

DEPARTMENT OF EDUCATION

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(Date)
Date

(Name of Student or Parents or other "interested party")
(Address of Student or Parents or other "interested party")

Dear *(Name of Addressee)*:

Subject: Notice of Formal Hearing re "Change in Educational Status"

This is to inform you that a formal hearing has been scheduled based upon a request dated *(Date of Request)*.

The hearing has been scheduled for *(Date of Hearing--within 10 school days of receipt of a request for a hearing)* (Date of Hearing) at *(Time)* (Time) at *(Place)* (Place) *(Address)* (Address). At the hearing, you may present evidence, call and cross-examine witnesses, and be represented by a representative of your choice. The hearing shall be conducted as stipulated in Department of Education Rule 49, paragraph 4e, "Hearing."

Sincerely,

(Signature of District Superintendent)
Signature of District Superintendent

(Name of District)
District

(Mailing Address)
Address

(District Superintendent's Phone No.)
Phone No.

Distribution (3):
Original to Addressee
Copy to Principal,
(Name of School) School
Copy to be retained by District Superintendent

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR DISTRICT LETTERS OR FORM OIS-52-74

NOTICE TO STUDENT AND PARENTS OF HEARING DECISION RE "CHANGE IN EDUCATIONAL STATUS"

REFERENCE: Rule 49.4, e(6); 49.5

GENERAL INSTRUCTIONS:

1. Based upon evidence given at the hearing, the District Superintendent shall render his decision in writing, no later than five school days after the close of the hearing, stating clearly the action to be taken and reasons therefor.

2. Two notifications of the decision shall be mailed by certified mail (return receipt requested) or personally delivered--one to the student and one to his parents.

3. District letters may be prepared following the sample below or Form OIS-052-74 may be used.

INSTRUCTIONS FOR COMPLETING DISTRICT LETTERS OR FORM OIS-052-74:

1. To be completed by the District Superintendent.

2. Complete two letters in quadruplicate.

   a. Address one letter to the student.

   b. Address one letter to his parents.

3. Insert information as shown in the sample below.

4. Distribute copies of each letter as shown on the form

5. Attach returned receipts to the District Superintendent's copies.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR DISTRICT LETTERS OR FORM OIS-52-74

NOTICE TO STUDENT AND PARENTS OF HEARING DECISION RE "CHANGE IN EDUCATIONAL STATUS"

(contd.)

Form OIS-052-74
2/15/74

S A M P L E

STATE OF HAWAII

DEPARTMENT OF EDUCATION

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(Date of Mailing)
Date

NOTE: This decision shall be mailed or personally delivered --one to the student and one to his parents--no later than five school days after the close of the hearing.

(Name of Student or Parents)
(Address of Student or Parents)

Dear *(Name of Student or Name of Parents)*

Subject: Notice of Hearing Decision re "Change in Educational Status"

On *(Date)*, a formal hearing concerning the recommended educational program for *(Name of Student)* was held.

Based upon evidence given at this hearing, it is my decision that the following educational program be implemented:

(State decision made on the educational program to be implemented)

This decision is made for the following reasons:

(State reasons for this decision)

You are hereby notified that you may appeal this decision directly to the Superintendent of Education. If an appeal is made, it must be done within ten school days from the date of this letter.

The implementation of this decision shall not be made pending such an appeal to the Superintendent of Education unless it is determined that a delay would be extremely detrimental to the student's best interests or it is necessary to avoid interference with the rights of other students to pursue their educations free from disruption.

Sincerely,

(Signature of District Superintendent)
Signature of District Superintendent

(Name of District)
District

(Mailing Address)
Address

Distribution (4):
Original to Addressee
Copy to Principal,
(Name of School) School
Copy to Superintendent of Education
Copy to be retained by Dist. Supt.

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-053-74

DISTRICT CHECKLIST OF HEARING PROCEEDINGS RE "CHANGE IN EDUCATIONAL STATUS"

REFERENCE: Rule 49.4

GENERAL INSTRUCTIONS:

If desired, Form OIS-053-74, "Checklist of Hearing Proceedings," may be maintained by the District Superintendent as an up-to-date record of hearing proceedings.

INSTRUCTIONS FOR COMPLETING FORM OIS-053-74:

1. To be completed by the District Superintendent.
2. Complete in duplicate.
3. Insert and attach pertinent information to maintain an up-to-date status of hearing proceedings.
4. Upon completion, distribute as indicated on the form.

(contd.)

PROCEDURES FOR IMPLEMENTING RULE 49, RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS.

INSTRUCTIONS FOR FORM OIS-053-74

DISTRICT CHECKLIST OF HEARING PROCEEDINGS RE "CHANGE IN EDUCATIONAL STATUS"

(contd.)

Form OIS-053-74, 2/15/74

SAMPLE

STATE OF HAWAII
DEPARTMENT OF EDUCATION

CHECKLIST OF HEARING PROCEEDINGS
RE "CHANGE IN EDUCATIONAL STATUS"

INSTRUCTIONS: To be completed in duplicate by the District Superintendent.

DATE _____

1. NAME OF STUDENT _____ 2. BIRTHDATE _____
3. SCHOOL _____ 4. DISTRICT _____
5. INITIATION OF FORMAL HEARING PROCEEDINGS
   Date Letter Mailed by District Superintendent _____
6. REQUEST FOR FORMAL HEARING PROCEEDINGS
   [ ] Date Formal Hearing Proceedings Request Received _____
   [ ] Formal Hearing Proceedings Not Requested
7. FORMAL HEARING
   A. Hearing Date, Time, and Place _____
   B. Person Conducting Hearing (Name and Position) _____
   C. Persons Attending Hearing (Names and Positions) _____
   D. Record of Hearing (See attachment)
   E. Recorder (Name and Position) _____
8. DECISION OF DISTRICT SUPERINTENDENT (See attachment)
   Date Decision Mailed to Student and Parents _____

Attachments

Distribution (2):
Original to be retained by the District Superintendent
Copy to Principal

TH:as

Attachment

Teichiro Hirata

TEICHIRO HIRATA, Superintendent

Docket 20

STATE OF HAWAII
BOARD OF EDUCATION

PART II. RULES FOR DEPARTMENT OPERATIONS

RULE 49. RELATING TO CHANGING THE EDUCATIONAL STATUS OF EXCEPTIONAL STUDENTS

49.1 Definitions.

"Exceptional students" means those students designated in Section 301-21, Hawaii Revised Statutes.

"Change in educational status" means:

a. Placement in a special education program which provides special facilities, equipment and/or instruction other than that provided in regular education.

b. Placement from a special education program to a regular education program.

c. Transfer from one special education program to another where such programs differ substantially with regard to the kind and type of education which is offered.

d. Transfer to a special education school or special education class outside the student's public school attendance area.

"Department" means the Hawaii State Department of Education.

"Special education" means Department special education classes in regular schools, special education schools, and licensed private special education schools contracted by the school district which are designed specifically for exceptional students.

"Parent" or "parents" means the natural or legal parent(s), guardian or other custodian of the student.

49.2 Applicability.

No change in the educational status of students shall be undertaken except in accordance with this rule.

49.3 Authority.

A change in the educational status of a student may be accomplished by the District Superintendent upon the recommendation of the Principal.

49.4 Procedures.

No student shall have his educational status changed without first being accorded notice and the opportunity for a hearing as hereinafter provided.

a. Educational Evaluation. Whenever any person working with a student, including the student's parents, has reason to believe that a change in educational status will be of benefit to the student, he shall advise the student's Principal. The Principal may request that an educational evaluation be conducted and, in such event, the evaluation shall be conducted under the direction of the District Superintendent's office by the appropriate district diagnostic team members, and/or other professional persons, including the teacher, involved with the student's educational program. If the Principal decides not to request the educational evaluation, the student and/or his parents may appeal such decision to the District Superintendent. The parents shall be notified of the educational evaluation before it is conducted. If upon completion of the educational evaluation it is determined that a change in educational status will be of benefit to the student, the Principal shall notify the District Superintendent in writing. The recommendation shall include a written report of the evaluation data upon which the recommendation is based. In the event that the educational evaluation does not result in a recommendation for a change in educational status, the student and/or his parents shall have the right to contest such action at a hearing conducted in accordance with this rule.

b. Conference. If a recommendation for change in educational status is made, the Principal shall arrange a conference with the parents of the student to discuss his or her placement. The student's present teacher may also attend. The Principal shall advise the parents of any alternative educational opportunities available to the student other than that proposed in the recommendation. If the parents accept the recommendation or any one of the educational alternatives, they shall sign an agreement authorizing the placement of their child.

c. Initiation of Proceedings. If neither the recommendation for change in the student's educational status nor any one of the educational alternatives is accepted by the parents, or should the parents fail to appear at the conference, the Principal shall immediately notify the District Superintendent and, upon receipt of such notification, the District Superintendent shall initiate formal hearing proceedings in accordance with this rule.

d. Notice; Contents. Proceedings shall be initiated by a written notice, in such form as the Department may prescribe, which shall be mailed (return receipt requested) to the student and his parent. Such notice shall contain:

(1) a statement of the recommended change in educational status and reasons therefor;

(2) a statement advising the parent of any alternative educational opportunities available to his child other than that proposed;

(3) a statement that prior to the recommended change in educational status, the student has a right to a hearing before the District Superintendent at which he may present evidence, call and cross-examine witnesses and be represented by a representative of his or his parents' choosing;

(4) a statement that such hearing may be requested in writing or orally by personal visit or telephone call to the District Superintendent;

(5) a statement that unless the hearing is requested by a date specified in the notice (which shall be not less than ten school days after the date the notice is mailed) the recommended action be implemented without such hearing.

e. Hearing. Upon receipt of a request for hearing, the District Superintendent shall schedule a hearing within ten school days and shall notify all interested parties of its date, time and place. The hearing shall be conducted by the District Superintendent or by a disinterested person designated by him who may be an officer or employee of the Department. Hearings shall be conducted as follows:

(1) it shall be private unless the student or his parents request that it be public;

(2) all parties shall have the right to present evidence, cross-examine witnesses and submit rebuttal testimony;

(3) the District Superintendent or hearing officer need not follow the formal rules of evidence;

(4) the District Superintendent or hearing officer shall impartially weigh the evidence and may request and consider any relevant records or information;

(5) parties may make a transcript or recording of the hearing;

(6) no later than five school days after the close of the hearing, the District Superintendent shall render a decision in writing stating clearly the action to be taken and the reasons therefor; such decision shall be mailed (return receipt requested) or personally delivered to the student and his parent;

(7) in the event that the hearing is conducted by a person other than the District Superintendent, the recommended decision and record shall be reviewed by the District Superintendent who may accept, reject or modify the decision, provided that, in the event any change is made, the District Superintendent shall state his reasons therefor in writing. In reviewing the recommended decision, the District Superintendent shall not consider matters outside the case record except with the agreement of both the student and his parents.

Docket 20

49.5 Appeal to Superintendent.

The student or his parent may appeal to the Superintendent of Education within ten school days of the District Superintendent's action which shall be deemed to be the date the decision is mailed. The change in educational status shall not be implemented pending such appeal unless the District Superintendent finds that delay in its implementation would be extremely detrimental to the student's best interests or that immediate implementation is necessary to avoid interference with the rights of other students to pursue their educations free from disruption. Upon an appeal, the Superintendent shall cause a statement of the reasons for the District Superintendent's decision, which shall include a determination of each issue of fact or law necessary to it, to be mailed (return receipt requested) to the student and his parents. In addition, the student and his parents shall be informed of their right to file exceptions to the decision and to present argument to the Superintendent at a specified date, time and place.

Effective Date: This rule shall become effective ten days after filing with the Lieutenant Governor of the State of Hawaii.

Adopted: October 4, 1973

Hiroshi Yamashita

Hiroshi Yamashita, Chairman
Board of Education

Approved as to Form

John Ter Conmeef

Deputy Attorney General

Date: 23 October 1973

Notice published of public hearing: Monday issue of the Honolulu Advertiser - August 20, 1973; Tuesday issue of the Honolulu Star Bulletin - August 21, 1973

LT. GOVERNOR'S OFFICE
1973 NOV 19 AM 8 16
REC'D. BY [illegible]

APPROVED:

George R. Ariyoshi

ACTING GOVERNOR OF HAWAII

Date: NOV 16 1973